

### **REMARKS**

Upon entry of this amendment, claims 1-5, 18-22, 27 and 29 are all the claims pending in the application. Claims 6-17, 23-26, 28 and 30 are canceled by this amendment.

#### **I. Claim Rejection Under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 1-4, 6-8, 13-16, 18-21, 23-25 and 27-30 under 35 U.S.C. § 102(e) as being anticipated by Oshima et al. (U.S. 6,266,299).

Claim 1, as amended, recites that a read part of medium ID information is embedded as part of a watermark if a copy attribute is changed from one generation copy to no more copy. Applicants respectfully submit that Oshima fails to disclose or suggest at least this feature of claim 1.

Oshima discloses a method to protect against the illegal copying of disks which utilizes BCA data (e.g., a disk ID) and recording permission identifiers (e.g., a “first recording possible” identifier or a “first recording completed” identifier). In particular, in Oshima, the method begins with the BCA data of an optical disk 240 on the user side being sent via a communication line to a content provider (see col. 39, lines 13-15). The content provider then transmits a video signal to the user with the BCA data of the disk 240 buried therein as a watermark (see col. 39, lines 15-18).

Thus, in Oshima, the BCA data (i.e., disk ID) is incorporated into the video signal as a watermark prior to the user receiving the video signal for recording and/or reproduction. As explained in Oshima, the BCA ID data in the watermark can be compared to the BCA data on the disk to determine whether reproduction is permitted (see Fig. 41 and col. 35, lines 40-57).

Moreover, after the user receives the video signal having the BCA ID data buried therein as a watermark, Oshima discloses the use of recording permission identifiers which also act to prevent illegal copying. In particular, a recording prevention portion 265 authorizes recording of the video signal only if there is a watermark indicating a “first recording possible” identifier (see col. 39, lines 33-39).

Thus, while Oshima discloses the use of BCA ID data and a recording permission identifier which are buried as watermarks, Oshima does not disclose that the BCA ID data is incorporated as a watermark if a recording permission identifier is changed. Indeed, as discussed above, in Oshima, the BCA ID data is incorporated as a watermark in the video signal prior to the user receiving the video signal from the contents provider (see col. 39, lines 13-18).

Accordingly, as the BCA ID data is incorporated as a watermark prior to the user even receiving the video signal, Applicants respectfully submit that Oshima clearly fails to disclose or suggest that a read part of medium ID information is embedded as part of the watermark if a copy attribute is changed from one generation copy to no more copy, as recited in amended claim 1.

Further, as Oshima is not concerned with the timing of the incorporation of the BCA data in the watermark with respect to the incorporation of the recording permission identifier, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to provide such a feature based on the disclosure of Oshima.

In view of the foregoing, Applicants submit that claim 1 is patentable over Oshima, an indication of which is respectfully requested.

Regarding independent claims 18, 27 and 29, Applicants submit that these claims are patentable for similar reasons as discussed above regarding claim 1. In particular, Applicants

note that each of these claims has been amended to recite that the read part of medium ID /  
information is embedded as part of the watermark if the copy attribute is changed from one  
generation copy to no more copy.

Accordingly, Applicants submit that claims 18, 27 and 29 are patentable over the cited  
prior art, an indication of which is respectfully requested. Claims 2-5 depend from claim 1, and  
claims 19-22 depend from claim 18. Accordingly, Applicants submit that these claims are  
patentable at least by virtue of their dependency.

## **II. Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 5, 9-12, 17, 22 and 26 are  
objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in  
independent form including all the limitations of the base claim and any intervening claims. As  
noted above, claims 9-12, 17 and 26 have been canceled by this amendment. Regarding claims 5  
and 22, Applicants submit that these claims are patentable at least by virtue of their dependency  
on claims 1 and 18, respectively.

## **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed  
to be in order, and such actions are hereby solicited.

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If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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